

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

AUSTIN JOSEPH DENNY,

Defendant.

**CR-11-57-GF-BMM**

**ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS**

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on May 1, 2019. (Doc. 340.) Defendant Austin Joseph Denny waived his right to object to Judge Johnston's Findings and Recommendations. *Id.* at 4. The Government did not file an objection. The Court will review Judge Johnston's Findings and Recommendations for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on April 30, 2019. (Doc. 50.) The United States accused Denny of violating his conditions of supervised release by: (1) using methamphetamine; (2) failing to report for substance abuse testing; and (3) failing to complete successfully a program of substance abuse

treatment. (Doc. 340 at 2.) Denny admitted to all three violations of his supervised release. *Id.*

Judge Johnston recommended that the Court revoke Denny's supervised release. *Id.* at 3. Judge Johnston recommended that Denny should serve a term of custody of six months, with no supervised release to follow. *Id.*

The Court finds no clear error in Judge Johnston's Findings and Recommendations. Denny's violations represent a serious breach of the Court's trust. A custodial sentence of six months with no term of supervised release to follow, is a sufficient, but not greater than necessary sentence.

IT IS ORDERED that Judge Johnston's Findings and Recommendations (Doc. 340) is ADOPTED IN FULL.

IT IS FURTHER ORDERED that Defendant Austin Joseph Denny is sentenced to a term of custody of six months with no term of supervised release to follow.

DATED this 2<sup>nd</sup> day of May, 2019.



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Brian Morris  
United States District Court Judge